

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHAMBERS OF
CATHY L. WALDOR
UNITED STATES MAGISTRATE JUDGE

MARTIN LUTHER KING COURTHOUSE
50 WALNUT ST.
ROOM 4040
NEWARK, NJ 07101
973-776-7862

LETTER ORDER

October 10, 2024

Re: Bruce v. Rev Federal Credit Union, Trans Union, LLC, et al
Civil Action No. 2:24-cv-05721 (MEF) (CLW)

Counsel:

This will address Nelson L. Bruce's Motion to Reopen Case and Compel Compliance With Subpoena ("Motion to Reopen"). (ECF No. 5).

The Court set forth the relevant procedural history for this matter in its October 1, 2024 Order, (ECF No. 4), and incorporates that discussion herein for the sake of efficiency. The Court denied Mr. Bruce's initial motion to compel T-Mobile USA to comply with his subpoena, without prejudice, given Mr. Bruce's failure to include the subpoena at issue with his application. (*Generally id.*). The Court further specified that, while Mr. Bruce had leave to file a new motion to compel, he would have to make any such application on notice to T-Mobile. (*Id.* at 3). As Mr. Bruce's motion to compel was the only proceeding in this action, the Clerk of the Court closed the case after the Court denied that application.

On October 8, 2024, Mr. Bruce filed his Motion to Reopen. (ECF No. 5). He asks that the Court reinstate this matter and argues that, because his subpoena to T-Mobile was on the docket in the South Carolina action, and because he included relevant citations to that docket in his motion

to compel, that therefore provided T-Mobile with sufficient notice. (*Generally id.*). As set forth in its October 1, 2024 Order, this Court disagrees. In any event, Mr. Bruce has attached a copy of his subpoena to T-Mobile to his Motion to Reopen. That addresses a significant concern regarding his original motion to compel.

The Court also required Mr. Bruce to make any renewed application on notice to T-Mobile. Oct. 1, 2024 Order at 3, ECF No. 4). It is unclear whether he has done so. On that point, Mr. Bruce wrote:

Notice of Service by U.S. Marshals: Plaintiff further informs the Court that because of In Forma Pauperis status, the U.S. Marshals will serve T-Mobile with a copy of the summons, motion to compel, and any accompanying documents in this case. The parties will be notified once this is completed.

(Motion to Reopen at 4, ECF No. 5). The Court is uncertain whether Mr. Bruce has made an application with the District of South Carolina seeking assistance with service of his Motion to Reopen. He has not done so in this District. This further calls into question whether Mr. Bruce served his original motion to compel on T-Mobile by e-mail and regular mail as he set forth in his April 24, 2024 Certification of Service, (Motion to Compel at 4, ECF No. 1), or if he assumed the Marshall's Service would effectuate the service as described therein. For the sake of efficiency and fairness, and to eliminate any doubt as to whether T-Mobile has received Mr. Bruce's applications, the Court will direct the Clerk of the Court to send copies of Mr. Bruce's submissions to T-Mobile at the return address listed on T-Mobile's initial objection to the subpoena. (Motion to Compel at "Exhibit – 4", ECF No. 1-2). The Court will also set a deadline for T-Mobile's response.

CONCLUSION

Based on the foregoing, it is on this 10th day of October, 2024,

ORDERED that the Clerk of the Court shall reopen this matter; and it is further

ORDERED that the Clerk of the Court shall kindly send copies of (1) this Letter Order; (2) Mr. Bruce's Motion to Compel (ECF No. 1); and (3) Mr. Bruce's Motion to Reopen, (ECF No. 5), via Certified Mail to T-Mobile at the following address:

T-Mobile
Legal & Emergency Response
4 Sylvan Way, Parsippany, NJ 07054

and it is further

ORDERED that T-Mobile shall file any response to Mr. Bruce's application to enforce his subpoena **on or before November 8, 2024**; and it is further

ORDERED that the Clerk of the Court shall also kindly send a copy of this Order to Mr. Bruce via Certified Mail.

s/Cathy L. Waldor
Cathy L. Waldor
United States Magistrate Judge